

§201.⁽⁹⁾ In deciding against the contestee's claim that the determination date should have been considered as Sept. 26, 1956, the date of the official canvass, the committee ruled that there was no determination under the federal statute until the actual issuance of the certificate to the contestee on Dec. 5, 1956.

§ 21. Service of Notice

Under the Federal Contested Elections Act, the notice of contest must be served on contestee in the manner specified. The notice may be served on contestee by delivery of a copy to him personally or to his authorized agent, by leaving a copy at his home or place of business, or by mailing a copy to him by registered or certified mail.⁽¹⁰⁾

Service by mail is complete on mailing, and the return receipt from the post office is proof thereof. Proof of service must be made to the Clerk promptly and within the time allowed for contestee's answer, but the failure to do so does not affect the validity of the service.⁽¹¹⁾

9. Under the Contested Elections Act of 1969, this section is now 2 USC §382(a).

10. 2 USC §382(c), (1)–(5).

11. 2 USC §382(c), (5), (6).

Substituted Service

§ 21.1 Subsequent valid service of notice of contest renders moot any question of the efficacy of prior attempted “substituted service.”

In the 1957 Iowa election contest of *Carter v LeCompte* (§57.1, *infra*), the official result of the election was not determined until Dec. 10, 1956, but the contestant had earlier served the contestee by “substituted service.” The election committee majority decided that the contestant's subsequent personal service on the contestee on Dec. 17, rendered “moot any question as to the sufficiency of the service contemplated by 2 USC §201.”⁽¹²⁾

In the 1957 Iowa election contest of *Dolliver v Coad* (§57.2, *infra*), the issue arose as to whether “substituted service,” as provided under Rules 4(d)(1) and 56(a) of the Federal Rules of Civil Procedure, complied with the requirements of proper service under 2 USC §201, but the election committee did not decide the issue. Under the present 2 USC §382(c), however, “substituted service” is permissible.

12. This is now 2 USC §382(a).